

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
LUCAS C. CHAMBERLAIN,

Plaintiff,

-v-

SPLASHLIGHT, LLC, MICHAELA KREBS, and BIJOU  
SUMMERS,

Defendants.

CIVIL ACTION NO.: 23 Civ. 6318 (VEC) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

Defendants Splashlight, LLC and Bijou Summers have filed a motion to dismiss pro se Plaintiff Lucas Chamberlain's Complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim. (ECF No. 52 (the "Splashlight Defendants' Motion")). Defendant Michaela Krebs has also filed a motion to dismiss the Complaint, in which she joins in the Splashlight Defendants' Motion and sets forth additional arguments with respect to Mr. Chamberlain's claims against her. (ECF No. 54 ("Krebs' Motion," with the Splashlight Defendants' Motion, the "Motions")). The Honorable Valerie E. Caproni has referred the Motions to the undersigned for a Report and Recommendation. (ECF No. 57).

On April 29, 2024, the Court directed Mr. Chamberlain to file his opposition (the "Opposition") to the Motions by May 28, 2024. (ECF No. 58 at 1 ¶ 1). The Court warned Mr. Chamberlain that "failure to oppose the Motions will result in the Court ruling on the Motions based on Defendants' submissions alone and may result in dismissal of this action with prejudice." (Id. at 1–2 (emphasis omitted)). Mr. Chamberlain failed, however, to file the Opposition by the Court-ordered deadline or to request an extension of time to do so.

On June 10, 2024, as a one-time courtesy, on the Court sua sponte extended this deadline, and directed Mr. Chamberlain to file the Opposition by July 1, 2024. (ECF No. 60 at 2). The Court again warned Mr. Chamberlain “that failure to file the Opposition will result in the Court ruling on the Motions based on Defendants’ submissions alone and may result in dismissal of this action with prejudice.” (Id.)

To date, Mr. Chamberlain has not filed the Opposition, requested an extension of time to do so, or otherwise communicated with the Court. Accordingly, the Court deems the Motions to be fully briefed, and will issue a Report and Recommendation in due course.

Defendants shall promptly serve a copy of this Order on Mr. Chamberlain and file proof of service on the docket by **July 15, 2024**.

The Clerk of the Court is respectfully directed to mail a copy of this Order to Mr. Chamberlain.

Dated: New York, New York  
July 12, 2024

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge